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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

RONALD JAMES LEWIS,

Defendant and Appellant.

E048811

(Super.Ct.No. RIF145510)

OPINION

APPEAL from the Superior Court of Riverside County. W. Charles Morgan,  
Judge. Affirmed.

Correen Ferrentino, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

# I

## INTRODUCTION

Defendant and appellant Ronald James Lewis was charged by information with unlawfully entering a building with intent to commit theft under Penal Code<sup>1</sup> section 459 (count 1), and felony theft with a prior under section 484 (count 2). It was also alleged that defendant suffered a prior strike for carjacking under section 215, within the meaning of sections 667, subdivisions (c) and (e)(1), and 1170.12, subdivision (c)(1). On June 3, 2009, prior to the commencement of jury trial, defendant moved to bifurcate the prior strike conviction and waive jury trial on the prior. The court granted the request.

The trial commenced on June 3, 2009. On June 4, 2009, after 30 minutes of deliberating, the jury reached verdicts of guilt on both counts. The court ordered a probation and sentencing report and the matter was continued until July 6, 2009 for sentencing.

On June 30, 2009, defendant filed a written motion requesting the court to strike the prior conviction in the furtherance of justice under section 1385. The People filed a written opposition.

On July 6, 2009, defendant waived trial on the strike prior after being advised of his constitutional rights to a trial by jury, to confront and cross-examine witnesses, and a right against self incrimination. Defendant admitted the strike allegation, and the court found that the admission was freely and voluntarily given.

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<sup>1</sup> All statutory references are to the Penal Code unless otherwise specified.

At the sentencing hearing on July 10, 2009, the trial court announced that it had read and considered the probation report, and considered defendant's motion to strike the prior conviction and the People's opposition. The motion to strike was denied. The court cited reasons for its decision: defendant's criminal history of theft, including a petty theft in 2008 and a Vehicle Code section 10851 violation in 2000, which resulted in a 32-month prison sentence. The court then sentenced defendant to a total prison sentence of four years. As to count 1, defendant was sentenced to the midterm of two years in state prison, doubled to four years under the three strikes law. As to count 2, defendant was sentenced to the midterm of two years, doubled under Penal Code section 654. Defendant was ordered to submit a sample for DNA testing. Defendant was given credit of 144 days actual plus 72 days for good time, for a total of 216 days.

On July 14, 2009, defendant filed a timely notice of appeal.

## II

### STATEMENT OF FACTS

On August 29, 2008, Donte Timms, a loss prevention officer for Target, saw defendant inside the store. Timms recognized defendant from a previous occasion and told the uniformed security guard to go into the camera room to watch defendant on camera. Thereafter, Timms followed defendant, from about 10 feet behind him, into the electronics section where defendant looked at the display of MP3 players; these MP3 players could be manipulated by hand but could not be removed from the aisle because

they are tethered to the display by peg hooks. Timms observed defendant cut off three MP3 players with what appeared to be nail clippers.

A security video of the incident was played for the jury. Timms identified defendant as the man on the tape. The video showed defendant first cutting the hooks tethering the MP3 players to the display, going to another aisle, then coming back to the MP3 aisle and placing the MP3 players in his black messenger bag.

Timms contacted the Riverside Police Department. He then observed defendant purchase some peanuts and leave the store without paying for the MP3 players.

Thereafter, Timms approached Lewis and identified himself as a loss prevention officer and told defendant that Timms needed to speak with defendant about unpaid merchandise. Timms searched defendant's black bag and found three, two-gigabyte, Phillips MP3 players. Timms noted damage to the MP3 players caused by cutting the players off the displays.

Bruno Balderrama, an officer with the Riverside Sheriff's Department, was dispatched to the Target store. Once there, he came into contact with defendant. Balderrama saw a black messenger bag, a pair of scissors, and three MP3 players in a room with defendant when he arrived. The officer then searched defendant and found \$117 and some change on defendant.

### III

#### ANALYSIS

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436, and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts, and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, which he has done. In a one-page handwritten letter, defendant provides his personal background, makes a plea on behalf of his children, and reports that he is attending school in prison. In essence, defendant is “asking for a second chance[.]” Defendant, however, fails to provide any legal basis for his appeal. “[E]very brief should contain a legal argument with citation of authorities on the points made. If none is furnished on a particular point, the court may treat it as waived, and pass it without consideration. [Citations.]’ [Citations.]” (*People v. Stanley* (1995) 10 Cal.4th 764, 793.) We, therefore, deem any arguments made by defendant waived.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

IV

DISPOSITION

The judgment is affirmed.

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/s/ McKinster  
J.

We concur:

/s/ Hollenhorst  
Acting P.J.  
/s/ Miller  
J.